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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------------|
| 10/528,364 | 06/08/2006 | Tuen-Yee Wong | Q86-490 | 5030 |
| 23373 7590 04/09/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | EXAMINER SNYDER, STUART | |
| | | | ART UNIT 16-48 | PAPER NUMBER |
| | | | MAIL DATE 04/09/2009 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,364

Applicant(s)

WONG ET AL.

Examiner

STUART W. SNYDER

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24, 26, 27, 30-38 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 26-27, 30-38 and 40-42 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Alan Townsley on 4/7/2009.

The claims are amended as follows:

40. The stabilized vaccine according to claim 24, wherein said composition is a poultry vaccine for the prevention or treatment of Newcastle Disease, infectious bronchitis, coccidiosis, fowl pox, fowl cholera, reovirus induced tenosynovitis (viral arthritis), fowl laryngotracheitis, avian encephalomyelitis, infectious bursal disease (IBD), Marek's Disease, salmonella infection, *Mycoplasma gallisepticum* infection, avian rhinotracheitis, avian herpes and *Mycoplasma hyponeumoniae*, Egg Drop Syndrome, Infectious Coryza (*Haemophilis pasagallinarum*), *Mycoplasma synoviae* or avian reovirus.
41. The stabilized vaccine composition according to claim 24, wherein said composition is a porcine vaccine, for the prevention or treatment of *Actinobacillus pleuropneumoniae*, atrophic rhinitis, pseudorabies, swine erysipelas, porcine parvovirus, *E. coli* enterotoxigenesis, *Mycoplasma hypopneumoniae*, influenza, leptospira, *E. coli* infection,

Porcine Reproductive and Respiratory Syndrome (PRRS), *Bordetella* and multocida types A and D infections, *Haemophilus parasuis* infection, *Clostridium perfringens* infection, rotavirus infection, *Streptococcus suis* infection, Glasser's Disease, pneumonia, or *Bordetella bronchiseptica* infection.

42. The stabilized vaccine according to claim 24, wherein said composition is a human vaccine for the prevention or treatment of influenza, hepatitis A, hepatitis B, hepatitis C, herpes simplex virus (type 2), polio, diphtheria, pertussis, *Haemophilus influenza* type B (Hib), measles, mumps, rubella, typhoid fever, varicella (chicken pox), Dengue fever, Epstein-Barr virus infection, human papillomavirus infection, *Streptococcus pneumoniae* infection, *Neisseria meningitidis* infection, Pneumococcal infection, viral meningitis, rotavirus infection, tick-borne encephalitis, travel diarrhea, cholera, yellow fever or tuberculosis.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STUART W. SNYDER whose telephone number is (571)272-9945. The examiner can normally be reached on 9:00 AM-5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry R. Helms can be reached on (571)272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mary E Mosher/
Primary Examiner, Art Unit 1648

Stuart W Snyder
Examiner
Art Unit 1648

SWS